

From: [Peter Carey](#)
To: [jonathan.mullen](#)
Subject: Patios
Date: Wednesday, March 17, 2021 8:58:58 AM

Jonathan

Per our discussion this morning grade level patio's have always been allowed to project into any required yard setback in any zone and aren't considered part of the structure.

Peter R Carey
Building Official /Zoning Enforcement Officer
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Glastonbury, Ct 06033
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Peter.carey@glastonburyct.gov

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From: [Hrekul, Lilia N.](#)
To: [jonathan.mullen](#)
Cc: [Ranelli, Matt](#)
Subject: 2834 Main Street - Proposed Patio for a new Dairy Queen
Date: Thursday, March 25, 2021 11:16:48 AM
Attachments: [image001.png](#)

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Hello Jon:

I have been working with Matt on your question regarding the proposed patio for a new DQ. You asked us whether the addition of a patio to the front of a building that is legally non-conforming with respect to the front yard setback would be considered an expansion of a non-conforming structure. We reviewed the documents you provided and the Building-Zone Regulations and the short answer is that the proposed patio in the area shown on the plans does not appear to be an expansion of the building for the reasons discussed below.

As you indicated, the building is nonconforming because it is located partially within the setback. In the Planned Business and Development Zone (§4.6.7), “buildings” are prohibited within the 75 foot setback: (“[t]here shall be a minimum front yard of seventy-five (75) feet for every principal building . . .”). The Regulations define a building as “any structure having a roof and intended for the shelter, housing or enclosure of persons, animals, properties or materials. Any other structure more than eight (8) feet high shall be considered to be a building, including a fence or wall but excluding a public utility pole or flagpole.” § 2.5. As a result, under the Regulations the proposed patio does not appear to fall within the definition of a “building” (e.g., it does not have a roof or wall or a high fence) and therefore it would not be an expansion of the existing nonconformity.

As a side note, although we did not review it because it was beyond the scope of our question, it appears the application may need special approval for the outdoor seating under Building-Zone Regulations § 6.6.b and .c. We are happy to take a look at this issue if you would like.

Please let us know of any further questions or concerns, or whether you would like to discuss over the phone.

Lilia



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From: jonathan mullen <jonathan.mullen@glastonbury-ct.gov>
Sent: Thursday, March 18, 2021 3:46 PM
To: Ranelli, Matt <MRanelli@goodwin.com>
Subject: 2834 Main Street - Proposed Patio for a new Dairy Queen

EXTERNAL EMAIL

Good Afternoon Matt,

The question from the town is if the addition of a patio to the front of a building that is legal non-conforming with respect to the front yard setback would be considered an expansion of a non-conforming structure.

Some background facts

- The building was originally built as a fast food restaurant in 1971
- The zoning for that parcel at that time was General Business (GB) Zone
 - The front yard setback requirement for the GB Zone was 20 feet minimum.
- The building was constructed 65 feet from the property line.
- The zoning for the lot was changed to Planned Business and Development (PBD) Zone
 - The front yard setback requirement for the PBD Zone is 75 feet minimum.

Attachments:

- Plan Set
 - Existing Conditions Plan
 - Proposed site layout plan for Dairy Queen
 - Proposed patio layout plan
- Picture of the patio area
- The current bulk requirements table
- The bulk requirements table for the General Business Zone

Thank you for your assistance in this matter.

Jonathan E. Mullen, AICP

Planner

Town of Glastonbury, CT 06033

860 652.7513

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